NOES—28.

1	Mr. N. Abdur Rahiman Sahib	15	Mr. M. K. Madhavan Pillai
2	,, K. C. Abraham	16	,, K. Mahomed
3	,, T. K. Alexander	17	,, P. C. Narayanan Bhattatiripad
4	,, V. T. Chacko	18	,, K. A. Narayana Pillai
5	,, S. Chattanatha Karayalar	19	,, Pacode A. Narayana Pillai
6	,, A. Easwara Pillai (*Kalkulam II*)	20	,, P. K. Narayana Pillai
7	,, A. Easwara Pillai (*Kottarakara*)	21	,, G. Nilakantan
8	,, K. R. Elenkath	22	,, S. Nilakanta Pillai
9	,, M. K. Janardana Kamath	23	,, K. Padmanabhan
10	,, T. S. Jayantan Nambootiri	24	Rao Sahib S. Parameswara Aiyar
11	,, T. C. Joseph	25	Mr. R. Sambasiva Aiyar
12	,, N. K. Krishna Pillai	26	,, M. Sivatanu Pillai
13	,, E. K. Kunjuraman	27	,, A. Thanu Pillai
14	,, K. Mathavan	28	,, N. E. Varughese

NEUTRALS—5.

1	Mr. John Whitely Tolson	3	Mr. S. J. Nair
2	Miss Hepzibath Gnanasikamony	4	,, J. M. Joseph
		5	,, P. K. Thomas

The principle of the Bill was accepted by the House.

The Secretary then read the title of the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : I beg to move that the Bill may be referred to a Select Committee consisting of the following members :—

Mr. T. K. Velu Pillai
,, Kayalam Parameswaran Pillai
,, R. Nilakanta Pillai.
,, A. S. Damodaran Asan.
,, K. C. Karunakaran.
,, Easwara Piliai (Kottarakara).
,, P. K. Narayana Pillai.
,, Ramakrishna Panickar.
,, A. Thanu Pillai.
,, Antony George.
,, S. Chattanatha Karayalar.
,, Puthupalli S. Krishna Pillai

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I second it.

The motion was carried.

DEPUTY PRESIDENT : The Committee will report within four months.

THE VAKILS REGULATION (AMENDMENT) BILL.

MR. S. J. NAIR (*Nedumangad*) : I beg to introduce the Vakil's Regulation (Amendment) Bill.

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MR. T. K. ALEXANDER (*Kunnatnad I*): I second it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): A point of order. I wish to have a ruling from the Chair. This Bill was placed on the Agenda of the Assembly of 23rd Kumbham 1109 and when Mr; S. J. Nair was called upon by the Chair to introduce the Bill, what took place is as follows —

"MR. S. J. NAIR: As for the Vakils' Regulation Amendment Bill, I am not moving that Bill in this Session and I will bring it later on-

MR. KAYALAM PARAMESVARAN PILLAI: Sir, on a point of order, it is not for him to say that.

DEPUTY PRESIDENT. Mr S. J Nair, you cannot put the House on terms. The only question is whether you are introducing the Bill.

MR. S. J. NAIR: I am not introducing the Bill Sir.

DEPUTY PRESIDENT: Then there is an end of the matter.

MR. S. J. NAIR: Yes, Sir."

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What I am submitting is, in view of what has taken place and what he has said that he is not introducing the Bill without any qualification he cannot bring this Bill.

MR. S. J. NAIR (*Nedumangad*): Sir, one word of explanation. I remember correctly.....

DEPUTY PRESIDENT: On that I rule Mr. S. J. Nair cannot put an extension on that matter. But as things stand and as shown in the proceedings Mr. S. J. Nair is at liberty to explain.

MR. S. J. NAIR (*Nedumangad*): Sir, I remember correctly, if my memory is correct, what I said at that time was that I was not introducing the Bill then. If the Chair would be pleased to get down the typed copy corrected by me I hope.....

DEPUTY PRESIDENT: The Chair in ruling that the proceedings are the final authority on that point, it is quite open to a member to bring to the notice of the publishing authorities concerned in the publication of the proceedings that what was said on the floor of this House has been taken down differently by the shorthand writers or some mistake was made in printing. But considering the lapse of time and considering the fact that Mr. S. J. Nair has acquiesced in that and that no objection has been taken, it is too late in the day to reconsider that question. Apart from that Mr. S. J. Nair is at liberty to show how he is entitled,

MR. S. J. NAIR (*Nedumangad*): Sir, I am introducing the Bill now and I am permitted to introduce the Bill by the President In the Agenda it is clearly shown in print that I am permitted to introduce the Vakil's Regulation Amendment Bill, Sir, and hence Mr. Asan's raising any objection is irregular.

DEPUTY PRESIDENT: Now you are at liberty to explain your rights and not refer to Mr. Asan's conduct. I shall deal with Mr. Asan's conduct if that is wrong.

MR. K. R. ELENKATH (*Kalkulam I*): A point of order. Once it is made to understand a Bill has been withdrawn, I beg to.....

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DEPUTY PRESIDENT : I am very sorry to hear the word 'withdrawn'. Not moving and withdrawing has considerable difference.

MR. K. R. ELENKATH (*Kalkulam I*) : Now it is seen in the Agenda that Mr. S. J. Nair is to introduce the Bill. But once the matter had been settled and the Bill had been rejected, before asking for leave to introduce the Bill and before being allowed to introduce the Bill, may I know whether the member is entitled to introduce the Bill ?

DEPUTY PRESIDENT : I am sorry I have not clearly understood you, Mr. Elenkath.

MR. K. R. ELENKATH (*Kalkulam I*) : The usual procedure is to ask for leave to introduce before a Bill is actually introduced. I now raise the point of order whether it is open to Mr. S. J. Nair to introduce the Bill straight-away before obtaining the leave of the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : May I raise another point of order, Sir ? When one point of order is under discussion and has not been disposed of, can another point of order be raised ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I suppose Mr. P. K. Narayana Pillai is now out of order. I am just submitting another point of order (*Laughter*).

DEPUTY PRESIDENT : I am constrained to say that proceedings of this nature are not calculated to enhance the usefulness of discussion. (Mr. S. J. Nair ; *Hear, hear*) It is certainly open to members to raise points of order; but many people raising points at the same time is what we do not generally find in Assemblies where business is sought to be done. Not that I want to pass any severe strictures on such conduct ; but it occurs to me that if the object of these interruptions is calculated to prevent useful discussion, I may be constrained to take such action as I may deem fit.

Mr. P. K. Narayana Pillai was raising a point.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I submit, Sir, whether when one point is under discussion, another point of order can be raised.

DEPUTY PRESIDENT : I wish the House will have some consideration for the fact that the Chair can decide at a time only one point. I shall not disrespect the House by pretending to be able to decide twenty things at a time. Therefore, the point that is now before the House, namely, whether Mr. S. J. Nair is in order in introducing this Bill, will first be decided.

I wish to hear the Law Member before I give my ruling.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : This matter has given me some considerable difficulty, Sir. Even before the point of order was raised, I considered the position. I could not find any specific authority or precedent directly applicable to the present position, If we are to go by analogy, there is a provision in the Rules relating to resolutions, which says that if there is a resolution against a member he must move it and that, if he does not move it, he must be deemed to have withdrawn it. But there is no similar

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[Mr. Kayalam Paramesvaran Pillai.]

provision in regard to motions in general nor in regard to the introduction of Bills. The introduction of a Bill necessarily involves the motion that the Bill be read in the Assembly. In the circumstances, it seems to me that the benefit of the doubt, as it were, may be given to Mr. S. J. Nair and that he may be allowed to introduce his Bill. As I stated at the outset, although the point occurred to me, I did not raise it myself because of the doubt involved. That is why I said that the benefit of the doubt might be given to Mr. S. J. Nair without creating any precedent for the future (*Laughter*).

DEPUTY PRESIDENT: Mr. Paramesvaran Pillai says that the benefit of the doubt may be given to Mr. S. J. Nair, but that this should not be cited as a precedent. I am constrained to say that if I give a ruling it will form a precedent. So, with the full knowledge that I am creating a precedent, I am passing this ruling.

I find that, at the time leave was asked for by Mr. S. J. Nair, it was granted to him and no definite time-limit was mentioned therein. Then, as will be seen from the proceedings of this House, dated the 7th August 1924, the Chair ruled— I was occupying the Chair—that Mr. S. J. Nair cannot put any terms to the House and that the only question was whether Mr. S. J. Nair was introducing the Bill or not. And Mr. S. J. Nair said "I am not introducing the Bill, Sir."

Then I said, "there is an end of the matter."

If, by 'matter' I had meant the end of the Bill, certainly, I would have stated that in clear terms. Therefore 'the matter' there means the matter of S. J. Nair introducing the Bill at that time. The permission given to Mr. S. J. Nair did not, as I have already stated, impose any restriction as to the time within which the Bill was to be introduced. Mr. S. J. Nair has not given up his right. He did not withdraw his Bill as has been suggested. Not pressing, I must repeat, is different from withdrawing. And, this item of business is included in the present Agenda. Mr. S. J. Nair is therefore competent to make his motion.

MR. S. J. NAIR (*Nedumangad*): Sir, my object in introducing this Bill is (i) to define the qualifications for the admission of vakils to the High Court and to the subordinate Courts; (ii) for prescribing the various stages for admission of duly qualified persons as vakils to practise in the various subordinate courts and in the High Court, and (iii) for specifying the various methods and manner of enrolling duly qualified persons—qualified by education as well as by experience—at the Bar, as vakils in the various courts. It is with that three-fold object that I introduce the Bill.

This Bill, I hope, will be a non-controversial measure (*Laughter*). There are only five clauses in it, Sir.

DEPUTY PRESIDENT: Is it not a very optimistic view, Mr. S. J. Nair, that you take when you say that you hope that your Bill would be a non-controversial measure.

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MR. S. J. NAIR (*Nedumangad*): Clause 1, Sir, merely represents the short title and the date of commencement of the Regulation after this Bill is passed into law. There cannot certainly be any quarrel with me in regard to that clause.

Clause 2 deals with the need for the deletion of the existing section 4 of the Regulation under which the High Court has the power to make rules for the admission of vakils to the High Court, etc. The Bill proposes that section 4 of the present Regulation be deleted and substituted by clause 3 in the Bill. The vakils Regulation as it stands at present is most defective, since, for the admission of vakils and for their qualification etc., there is absolutely no statutory basis. At present it is left entirely to the High Court to make whatever rules they like. Sir, the profession of law is a noble profession, not only here but throughout the whole world. Therefore it is not desirable that its destinies must be left merely to the mercy and to the whims and caprices of the Judges of the High Court.

DEPUTY PRESIDENT: Is it not too strong an expression, Mr. S. J. Nair, to talk of the 'whims and caprices' of the Judges of the High Court?

MR. S. J. NAIR (*Nedumangad*): I withdraw the expression, Sir, if you consider it too strong (*Laughter*).

Anyhow, Sir, under sections 4 and 5 of the present Vakils Regulation the High Court has the power of making rules with regard to the qualification and enrolment of vakils in the various courts. This state of affairs to be permitted to continue is, I submit, not at all conducive to the honour, dignity and security of the profession. It is therefore, I propose to delete sections 4 and 5 of the present Regulation and to substitute them by the provisions in the Bill.

DEPUTY PRESIDENT: I suppose you mean *repeal* when you say *delete*, Mr. S. J. Nair?

MR. S. J. NAIR. (*Nedumangad*): I propose to substitute the provisions in the Bill in the place of sections 4 and 5 of the present Regulation.

With regard to the enrolment of High Court Vakils, in addition to the qualifications prescribed in the rules framed by the High Court and published in the Civil Courts Guide, I am suggesting a futher qualification also. That is to say that, in addition to B. Ls., Barristers, L. L. Bs., and others who, under the existing rules, can practise in the High Court.....

DEPUTY PRESIDENT: You are not right there; even after passing the B. L. or the L. L. B. Examination, other conditions have to be fulfilled before a person is enrolled as a High Court Vakil.

MR. S. J NAIR (*Nedumangad*): That was why I submitted, Sir, 'under the rules published in the Civil Court's Guide. I wanted to be as brief as possible in my statement.

The new qualification that my Bill seeks to recognise is that of first grade pleaders of 5 years' standing in any of the Travancore District Courts can also become members of the High Court Bar. Sir, if any one of the Honourable members in this House is of opinion

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[Mr.S. J. Nair.]

that this provision shall not find a place in the Bill, I shall have no objection for the provision being deleted at the Select Committee stage.

DEPUTY PRESIDENT: Mr. S. J. Nair, I do not want to interrupt you. You said that if there is any member of the House opposed to this clause in the Bill you are prepared to delete it. I think members ought to be more careful when making such observations. For the mere reason that one member is against a particular clause, that the mover, without any further consideration, should agree to delete the clause, is not quite in keeping with the usefulness and dignity of this House. I quite see that Mr. S. J. Nair is prepared to accept reasonable compromises. I may also draw his attention to this fact that once he has made his motion introducing the Bill, he will not be permitted to do what he likes. The assent of the House is necessary.

MR. KAYALAM PARAMESVARAN PILLAI (*Aditional Head Sirkar Vakil*) : May I ask why first grade pleaders of 5 years' standing should be admitted as High Court Vakils?

MR. S. J. NAIR (*Nedumangad*) : Such vakils would have gained the necessary experience at the Bar. Such vakils know the law of the land better than any Barrister or L. L. B. coming from outside.

In sub-clause (5) of clause 3, I have provided that second grade pleaders of 7 years' standing in any of the Travancore Munsiff's Courts is entitled to practise in the District Courts. The amendments I suggest in clauses 4 and 5 are only certain verbal changes suited to the Bill ; and I hope none will have objection to them.

MR. K. PADMANABHAN (*Chirayinkil I*) : It is stated in clause 4 that any person who shall produce a certificate of having passed the examination prescribed for first grade pleaders in Travancore and further in section 5, that any person who has passed the examination prescribed for second grade pleaders in Travancore and who has practised for seven years as a second grade pleader in the Munsiff's Courts in the State shall be admitted as pleaders of the first grade. May I know whether it is the intention of the member that they should be promoted by grade?

MR. S. J. NAIR (*Nedumangad*) : Yes, Sir. It is the intention of the author of the Bill. As I have already submitted it is not in keeping with the dignity of the profession that a provision should exist which says that the position of the vakils in the State should be left to the rule-making powers of the High Court, and that the existence of the vakils and the power to issue them sannads should not be brought under statutory basis. With the object of bringing in the provisions for qualifications, admission and certificate of proper persons to be vakils of the High Court and subordinate courts under a statutory basis I am introducing this Amendment Bill. With regard to the provision that Munsiffs' Court Vakils should be enrolled after sometime as District Court Vakils I am supported by various reasons and considerations. In the second grade pleaders' conference that.

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was held in the State some years ago resolutions were passed that second grade pleaders of Munsiffs' Courts, under certain circumstances, should be permitted to practise in District Courts. The members of the 28th Session of the Sri Mulam Popular Assembly had submitted a memorial to the then Dewan, requesting that the Government must move the High Court to see that the Munsiffs' Court Vakils of some years standing and practice are allowed to practise in the District Courts. Resolutions were also sent up to the old Legislative Council as well as to the new Legislative Assembly and to the Sri Chitra State Council to the same effect. References were also made in the Centinary Celebration Conference of the second grade pleaders by His Honour Justice Mr. C. Raman Tampi and Mr. E. Subramonia Iyer, who was then one of the famous vakils in the High Court and who is now the Principal of the Law College. Both in the Press and in the platform continuous agitation has been going on for extending the privileges of the second grade pleaders so that they may be given sannads for practising in District Courts. Sometime back the system of granting sannads to pleaders of some years standing in the Munsiffs' Courts to practise in District Courts was in vogue and by my bringing in this provision it will be only a revival of the old order of things in the State.

With regard to the contributions that the second grade pleaders in the State have made to the law as well as to the country, I need not say much. We had several famous lawyers among the second grade 'pleaders. Messrs. Shencotta Rama Iyer, Kavalam Nilacanta Pillai and Kunju Warrier are a few.....

DEPUTY PRESIDENT: Were they second grade pleaders?

MR. S. J. NAIR (*Nedumangad*): They were District Court Pleaders, but they began practice as second grade pleaders. Anyhow they were not High Court Vakils.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Was Mr. Kunju Warrier not practising in the High Court?

MR. S. J. NAIR (*Nedumangad*): In the strict sense they were not qualified to practise in the High Court as matters stand now.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): Were they not allowed to hold sannads to practsie in the High Court?

MR. S. J. NAIR (*Nedumangad*): That was my view. They were allowed. But under the existing conditions and circumstances they would not have been allowed.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): Is the member aware that some of them have passed the High Court Vakils Test?

MR. S. J. NAIR (*Nedumangad*): Yes, I am aware that some of them have passed some examination of the High Court conducted long before I was born.

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DEPUTY PRESIDENT: Then the enrolment of Shencotta Rama Iyer must have been before your birth.

MR. S. J. NAIR (*Nedumangad*): Some of them were permitted under the rules framed by their Honours of the High Court to practise in the High Court. My appeal to the members of this House is that a right and a privilege that was enjoyed by the vakils before should be renewed and revived and extended to them now. Moreover, the second grade pleaders are doubly fitted for this privilege they universally demand now. We find that most of the Vakils have made a study and have passed all the laws that are in vogue in Travancore. The idea that second grade pleaders should be given permission to practise in District Courts is only a noble and reasonable one. Moreover the Law Member has recently brought in the Civil Courts' Powers Amendment Bill. In this House, and as a result of it the Government wanted to raise the pecuniary jurisdiction of the Munsiffs to Rs. 2,500. If a second grade pleader is allowed to argue cases the pecuniary value of which will extend up to Rs. 2,500, I do not know why those persons should not be permitted to argue such cases in the District Courts, wherein the pecuniary appellate jurisdiction is only Rs. 1,000.

DEPUTY PRESIDENT: But that has not become law.

MR. S. J. NAIR (*Nedumangad*): But the principle has been accepted by the Government of Travancore, as well as by this House.

DEPUTY PRESIDENT: Do you mean to say that the Law Member has concluded so?

MR. S. J. NAIR (*Nedumangad*): The Law Member is precluded from raising any objection to it. My suggestion is that if pleaders who deal with cases the pecuniary value of which extends up to Rs. 2,000, are allowed to argue in Munsiffs' Courts why not those people be permitted to argue those cases in appellate courts, and especially in District Courts wherein the appellate jurisdiction is only Rs. 1,000. It would be only just and reasonable, if the second grade pleaders of some years standing are permitted to appear and plead in the District Courts.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Does the member think that it will be in the interest of the litigant public of Travancore?

MR. S. J. NAIR (*Nedumangad*): Yes, the interest of litigant public in the State also demands this. The litigant public would only be glad if their cases that were handled wonderfully and conducted properly in the Munsiffs' Courts by the second grade pleaders are permitted to continue so even in District Courts when they are taken over there in appeal. The confidence of the litigant public is secured by the second grade pleaders by their conduct and clearness in conducting the cases in the original side. However, the pleaders have got very great knowledge and experience of Travancore laws. They ought to be permitted to plead even in appellate courts for the cause of the poor litigant public of the country. That is the very reason why they should be given this power.

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MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Is the Honourable member aware of the practice obtaining in the sister State of Cochin ?

MR. S. J. NAIR (*Nedumangad*): I know, as a matter of fact, that some years ago this system of granting second grade pleaders sannad to practise in the Chief Court in Cochin State was prevalent. So far as Cochin is concerned they have no separate Law College. We have got a Law College here. Our people are taught our laws in our Law College and they are duly qualified. It is only after passing the examinations that they are entitled to get sannads to practise in the Munsiffs' Courts. It is essential and necessary that the position of second grade pleaders should be raised; and as the law now stands it lies in the rule-making powers of th Judges of the High Court to do so. But they are not doing so. Further, as the law now stands, the High Court Judges may, some time for various reasons say for political reasons at the instance of the Government, or upon their own initiative rob away the powers, the rights and privileges of a practising lawyer of great repute and influence to continue practice as a vakil or lawyer in the courts of the State by cancelling his sannad, since the profession of law has no statutory basis. We know instances in British India of eminent layers who had to do something in politics were debarred from appearing in the courts they were practising. So, at a time like this, if our people also take certain inclinations in the matter of political life in the State, unfourtunately the brilliant lawyers who take active part in it would be put to trouble. Under the existing law, I mean by sections 4 and 5, the position of even brilliant, honest and enterprising lawyers depend entirely upon the rule-making powers of the High Court.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Is it the member's opinion that no rule-making power should be vested in the High Court regarding the conduct of vakils practising in the Munsiffs' Courts ?

MR. S. J. NAIR (*Nedumangad*): For that I must refer to some other provisions in the Vakil's Regulation itself. Even under the existing provision there are several provisions in the Regulation which deal with the professional conduct, misconduct or any other conduct of the professional vakils. For the purpose of enforcing those provisions I do not think there is any necessity to give the power of framing rules to the High Court.

Sections 7, 8, 9, 10 and 11, Sir, of the Vakils' Regulation provide for the suspension and dismissal of the vakils' sannad for the reasons stated therein. So, in the presence of the provision in the law itself, I submit there is no necessity to empower the High Court to make rules as they please to look after the professional conduct of the vakils and also to empower them to make rules to suspend sannad &c. of vakils.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the member propose to take away the power of the High Court to punish vakils?

MR. S. J. NAIR (*Vedumangad*): No, I do not. I say that under the existing law there is ample provision for it. I do not provide any amendment to that in this Bill. There is no necessity to make any amendment in this Amendment Bill for the purpose. To punish vakils who deserve punishment, there are ample provisions, such as sections 7, 8, 9, 10 and 11 in the Regulation. Therefore there is no need or necessity for having made rules to punish vakils in the "Civil Courts Guide" by the High Court.

DEPUTY PRESIDENT: There is the law and there must be somebody to exercise that law.

MR. S. J. NAIR (*Vedumangad*): Under the law the High Court is empowered to exercise it. There was no necessity to make unnecessary rules for that purpose, in the face of specific provisions in the Regulation.

DEPUTY PRESIDENT: You do not want the High Court to be given that power. Your position is that the rule is there, the rule may be applied by the High Court. But the High Court shall not pass rules. Is that your point?

MR. S. J. NAIR (*Vedumangad*): I shall make my position more clear, Sir. There is the law under the statute. That law provides for the High Court to deal with vakils in cases of misconduct &c. And there are the Judges to administer the law as is found in the Vakils' Regulation. What I want is that they shall not be empowered to pass any rules so far as the provisions relating to vakils are concerned. Therefore in the interest of the persons who follow the Honourable profession of law, their position has to be secured and in order to keep up the honour and dignity of the vakils in the land and to promote their personal and professional interest I bring in this Amendment Bill, Sir.

With regard to the other clauses, I have merely suggested certain verbal changes only so that the subsequent sections 6 and 7 in the Regulation might go in reasonably and properly in the Regulation. I intend to make no serious changes in the Regulation to other clauses in the Amendment Bill. Therefore, I beg leave to introduce the Vakil's Regulation Amendment Bill and request the Honourable members of the House to support me in my attempt to promote the interest of the vakils and of the profession in the State.

DEPUTY PRESIDENT: Anybody seconding it?

MR. T. K. ALEXANDER (*Kunnatnad I*): I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to oppose the principle of this Bill. Sir, because I rise to oppose the principle of this Bill, it should not be taken that I minimise the very great talent that exists among that class of laywers known as the first grade and second grade pleaders and also the very valuable and significant

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service that they have rendered in the matter of the administration of justice within the State. I do not look at the question from that stand-point. Sir, I object to this Bill of my friend, Mr. S. J Nair, because of certain paramount considerations which ought to weigh with the public and with the Government with regard to the maintenance of certain standards in the profession of law.

Sir, the Government have appointed committees to enquire into various matters and the Laws' Delays Commission and the Unemployment Committee have both come to the conclusion that the Pleadership Examination should be stopped and that so long as we have got more than the necessary supply of persons who are more qualified to act and plead in a court of law, there does not seem to exist the necessity to have persons who have qualified as pleaders to be enrolled even for the purpose of the District Court and the Munsiffs' Court.

Sir, the reason which weighed with the Laws' Delays Commissioner was probably this. It is admitted that the Bar is overcrowded. It is also admitted that with the increase in numbers of lawyers the very high traditions of professional conduct known to the profession of law has suffered. It has also been admitted that the increase in the number of vakils, instead of facilitating the disposal of cases, has resulted in laws delays. This is the definite conclusion of the Laws Delays Commissioner after careful investigation into the matter, and he records this as his definite opinion and the reasons why he advocates that only graduates should be allowed to practise in courts and that other provisions should be made for persons who are qualified as pleaders in aiding the administration of justice and to keep the high standards and ideals of the profession intact and also to facilitate the administration of justice. He very pertinently points out that it should not be administrative expediency but administrative efficiency that ought to be the guide in the matter of determining this question and he, after paying a glorious tribute to the most valuable work done by pleaders in various courts, examines the present situation very impartially and comes to the conclusion that it is not in the best interests of the administration of justice that hereafter pleaders should be allowed to appear, act and plead as vakils even in Munsiffs' Courts and District Courts which right they now enjoy. As a result of this, Government seem to have so far accepted the weight of his opinion and they have, I think, stopped the Pleadership classes. Sir, I hope my Honourable friend Mr. S. J. Nair will consider this question of the administration of justice as of paramount importance and keeping the profession of law on a high pedastal is a matter of greater importance than the assertion of the rights of a party of lawyers.

MR. S. J. NAIR (*Nedum nigra*): May I know from the member whether the Pleadership Class is closed permanently?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): It is abolished. It cannot be disputed that the tremendous volume of opinion as we are able to understand from the report is against the continuance of the Pleadership Classes. I do not know whether it is permanently or finally abolished.

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DEPUTY PRESIDENT: There is no finality in matters of administration.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Anything cannot be said to be permanent in the philosophical sense of the word. My friend should look from this stand-point, from the stand-point of administrative efficiency and the keeping intact of the high ideals of the profession of law and also the fact that the over-crowding in the court means a powerful factor in the delay that is occasioned in the disposal of cases and should not merely be guided.....

DEPUTY PRESIDENT: Does the Laws Delays Commissioner say that in character and capacity the second grade pleaders are bad?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) No, the Laws Delays Commissioner has very clearly stated and I shall refer to that, if it is necessary. He says:—

> ".....It might be that if there were at the Bar a sufficiently large number of graduates-in-law to serve the needs of the litigant public, some limitations might be imposed on the enrolment of candidates who are not so well equipped as the graduates. This suggestion is not meant as a disparagement of the very valuable work that is being turned out by the pleaders who now practise before the subordinate courts in the lands. As a rule they are the acknowledged leaders of the Bar in the mofussil, and many of them will, in point of professional skill and experience, hold their own with the most successful Barrister or graduate-in-law; and their local influence as leaders of public opinion cannot also be under-rated.
>
> The question, however, is not whether the pleaders in the past have not been a success, but whether in view of the large increase in the number of practitioners with higher qualifications, some means could not be devised whereby their services could be more fully utilised without at the same time eliminating the class of vakils known as the 'pleaders'.....

That is the angle of vision of the Laws Delays Commissioner.

DEPUTY PRESIDENT: So, the Commissioner wants this class to continue and that no more vakils should be enrolled from these pleaders, if possible?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Commissioner wants to sacrifice the rights of pleaders?

DEPUTY PRESIDENT: I do not allow the question. It is a matter of opinion.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The only intention, the sole intention of the Laws Delays Commissioner, is to find out the best method to avoid delay, how far the present system of over-crowding of the members of the profession in the various courts causes delay. That was the principal question to which he adverted himself; and he came to the conclusion that over-crowding to a large extent prevents speedy disposal of cases.

MR. M. SIVATANU PILLAI (*Tovala*): Does the Commissioner advocate abolition of the Law College?

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): He does not for obvious reasons to which I do not think I should advert, because it is not necessary for the purpose of this Bill. He says, because there is a sufficient number of people who are better qualified than the pleaders, there is no necessity at the present moment for any increase of the numbers by this method.

DEPUTY PRESIDENT: I am very sorry to interrupt the memebr; but I find it is absolutely necessary to do so. Does the Commissioner say in his report that there is comparatively more delay in the subordinate court on account of second grade pleaders than District Court Pleaders?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): He deals with the question generally and says that overcrowding is one of the causes of delay. They say that the High Court is overcrowded, the District Courts are overcrowded and the Munsiffs' Courts are also overcrowded.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In view of the question, Sir, may I be permitted to read that particular portion relating to this point in the report. This is what the Laws Delays Commissioner says:

"The Bar is getting crowded day by day, and there are some who think that this crowding makes it more and more difficult for the Bar to maintain un-impaired its noble traditions. It is also said to be responsible for a lowering of the standards of work. It is also said that this growth in numbers, instead of facilitating the despatch of work in courts, has just the opposite effect.....".

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I think there is great force in that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This is what the Laws Delays Commissioner says "and results in immediate prolongation of legal proceedings".

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the Laws Delays Commissioner has suggested that the sannads granted to District Court and Munsiff Court Vakils should be suspended?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): No.

He has suggested various devices. One is that graduates should undergo training as apprentices under an Advocate of standing as they do in British India. He says, merely because a man has taken the degree he should not be allowed to deal with questions relating to properties and other interests involved in litigation to the detriment of litigants. The apprentice course is suggested so that lawyers who go to practise may have experience of the procedure and law. I do not go into the relative merits of the degree-holders and the pleaders. But I suggest that one result follows *viz.*, if we adopt the Bill as proposed by Mr. S. J. Nair, about a thousand pleaders who are practising in Munsiffs Courts, according to the report of the Laws Delays Commissioner, will be eligible to enter the High Court after the lapse of 12 years, besides the annual increase of output from the Law College here. That conclusively proves the fact that there will be accentuation of overcrowding which the Laws Delays Commissioner wanted to avoid to minimise laws delays.

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MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): Is it the member's opinion that the pleaders will automatically go to the High Court?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): After 12 years automatically, Munsiffs Court pleaders become eligible to be enrolled as High Court Vakils. It does not mean, because the pleader goes to the High Court, he cannot go to the Munsiffs Courts.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): Is it not a question of survival of the fittest?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): There is no doubt about that. Nobody is fighting shy of that. The question is whether, in the interest of efficient judicial administration the policy as adumberated in the Bill introduced by Mr. S. J. Nair, is one we should adopt or not. Survival of the fittest is everywhere and we are not asking that the pleaders should not be allowed to practise in Munsiff's Courts.

MR. M. SIVATANU PILLAI (*Tovala*): If pleaders are allowed to practise in High Courts or District Courts, how does it affect effciency in the administration of law?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Administrative efficiency in law has been is so well known that it needs no explanation. I do not wish to dilate on that. It is well known and it does not stand in further need of elucidation and explanation. That is the ground on which the Laws Delays Commissioner has restricted the inclusion of pleaders who are sought to be made eligible to practise in the High Court. In the present state of affairs it does not seem to be necessary.

On the other-hand the Bill adversely affects the disposal of cases by and will increase the delay in the High Court. I would earnestly request my friend Mr. S. J. Nair to give his attention to this general aspect of the question as different from pleading for privileges of a particular section of lawyers.

DEPUTY PRESIDENT: Your prominent reason being prevention of overcrowding?

MR. K. KUJUKRISHNA PILLAI (*Quilon I*): Yes and the absence of necessity at the present moment, because, there are sufficient number of duly qualified lawyers who are more than sufficient to meet the demand.

MR. K. R. ELENKATH (*Kalkulam I*): I support the principle of the Bill for what seems to me a very substantial reason. The question of overcrowding is a fact which should not be taken into account in the legal profession. The profession of law as all other professions can afford to take in any number of people into its fold. In the interests of the litigant public of which the opposer spoke I should think that he must be allowed to select the best lawyer from a large group with whom he can entrust his case with safety. To my knowledge, Sir, even in District Court pleaders are generally the leaders of the Bar and it seems to be a pity that the First Grade Pleadership Examination has been unfortunately abolished to the detriment to the profession of law.

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It is a well-known fact that the few first grade pleaders who have survived the examination are leading the profession now and B. L.'s and M. L.'s are undergoing apprentice course under them. I have come across instances where the first grade pleaders send up their juniors who are B. L.'s and M L.'s to plead on their behalf, for they are forbidden to appear in High Court. One member referred to the observations made by the Laws Delays Commissioner in opposing the Bill. My suggestion is that his observations could only go to support the object of the Amendment Bill. The only fact that the Laws Delays Commissioner has emphasised to justify any restriction is the plea of overcrowding. At the same time the Commissioner admits that in Munsiff's Courts they are the leaders of the Bar and he offers strong testimony to their capacity and efficiency. I know many of the Munsiffs Court pleaders are getting decent income while some of the B. L 's and M. L.'s are spending their days in starvation. In speaking of the efficiency of administration in law, my submission is that the plea advanced by the opposer of the Bill is lame and unconvincing. Suppose this Legislature or for that matter the High Court, took it into their head to enact or pass a rule to the effect that only M.L.'s may be allowed to practise in the High Court and B. Ls in the District Court and pleaders in the Munsiffs Courts just to facilitate work and to avoid overcrowding. In that case the litigant public would have been deprived of the services in the highest court of such eminent lawyers as Messrs P. K. Narayana Pillai, Changanachery Parameswaran Pillai, Mallur Govinda Pillai and the Deputy President who now occupies the Chair, for the mere reason that they are not M. L's.

DEPUTY PRESIDENT: As far as possible please avoid personal references.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, my only point in making that is this. Suppose, for fear of overcrowding in the profession of law only M. Ls. are allowed to practise in the High Court. Such men, as I referred to above, who are B. L.'s of longstanding practice and reputation may not after 15 or 20 years of practice care to appear for the M. L. degree examination. If such persons are debarred from appearing in the High Court what will be their fate and that of the litigant public? I know as a matter of fact there are B.Ls who are examiners for the M. L. degree. Such being the case there is no question before us of general qualification and its connection with legal practice. Therefore I strongly support the Amendment Bill brought forward by Mr. S. J. Nair.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, മി: എസ്സ്. ജെ. നായരുടെ ബില്ലിലുടങ്ങിയിരിക്കുന്ന പ്രധാനതത്വത്തോടു ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. ഞാനും എന്റെ യൌവ്വനകാലം മുഴുവനും വക്കീൽ പണിയിൽ കഴിക്കയും ഓരോ സമുദായത്തിനും രാജ്യത്തിനും വക്കീലന്മാരെ കൊണ്ടുണ്ടാകാവുന്നതും ഉണ്ടായിട്ടുള്ളതുമായ ഗുണങ്ങളെ അറിയുകയും അനുഭവിക്കുകയുംചെയ്തിട്ടുണ്ട്.

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ബില്ലിൽ അടങ്ങിയിരിക്കുന്ന പ്രധാനതത്വത്തെപ്പറ്റി മാത്രമെ ഈ സന്ദർഭത്തിൽ വിചിന്തനംചെയ്യേണ്ട ആവശ്യമൊള്ളൂ. ബാ എന്ന ള്ളതിനു നീതി എന്നാണർത്ഥം. മുൻസിഫ്കോടതിയിൽ വ്യവഹരിക്കുന്ന ഒരു വക്കീലിന്റെ സ്വഭാവഗുണം, കായ്യശേഷി, നിയമത്തിലുള്ള ജ്ഞാനം, കേസ്സുകൾ ജാഗ്രതയോടുകൂടി നടത്തുന്നതിനുള്ള സന്നദ്ധത ഇവയെല്ലാം ഒരുകക്ഷിക്കു ബോദ്ധ്യംവന്നാൽ ആ കക്ഷിക്കു എവിടെയെല്ലാം വ്യവഹാരങ്ങളുണ്ടോ അവിടെയെല്ലാം ഈ വക്കീലിനെ അധികാരപ്പെടുത്തുന്നതിൽ നിയമതടസ്ഥംചെയ്യാമോ എന്നാണ് പ്രധാനമായി ഇവിടെ ആലോചിക്കാനുള്ളത്. സർ ടി. മുത്തുസ്വാമിഅയ്യർ എന്ന ജഗൽപ്രസിദ്ധനായ ആൾ മദ്രാസ് ഹൈക്കോടതിയിലെ ഏറ്റവും പ്രധാനപ്പെട്ട ഒരു ജഡ്ജിയായി തീർന്നിരുന്ന എന്നുള്ളതു നമുക്കെല്ലാവർക്കും അറിയാവുന്ന ഒരു സംഗതിയാണ്. അദ്ദേഹത്തിന്റെ അഗാധമായ പാണ്ഡിത്യവും മഹത്തരമായ സ്വഭാവവൈശിഷ്ട്യവുംകൊണ്ടുണ്ടായിട്ടുള്ള ഫലങ്ങളെ നാം അനുസ്മരിച്ചിട്ടുണ്ടല്ലൊ. എന്നാൽ ബി. എ. ബി. എൽ. പരീക്ഷജയിച്ചവരെ ആ സ്ഥാനം വഹിക്കുവാൻപാടൊള്ളൂ എന്ന ഒരു നിയമം അക്കാലത്തുണ്ടായിരുന്നെങ്കിൽ അദ്ദേഹം ജഡ്ജ്മെൻറുകളിൽ എഴുതിയിട്ടുള്ള അതിപ്രധാനമായ നിയമതത്വങ്ങളൊന്നും പുറത്തുവരുവാൻ ഇടയില്ലായിരുന്നു. അതുപോലെതന്നെ നമ്മുടെ ന്യായത്തിലെ ഇന്നത്തെ രേണകർത്താവായി നിയമിക്കപ്പെട്ടിട്ടുള്ള സർ, ഹബീബുള്ളയും തന്നെ ബി. എൽ പരീക്ഷാവിജയമോ മറ്റുതരമായ വലിയപരീക്ഷായോഗ്യതയൊ ഇല്ല. അങ്ങിനെയുള്ള പരീക്ഷായോഗ്യതയുള്ള ആളുകൾക്കുമാത്രമെ ദിവാൻപ്പദത്തിൽ പ്രവേശിക്കുവാൻപാടുള്ളൂ എന്നു... ...

DEPUTY PRESIDENT: വക്കീലിന്റെ ജോലി രേണസംബന്ധമായിട്ടുള്ളതല്ലല്ലൊ.

MR. N. E. VARUGHESE (*Tiruvalla 1*):ഞാൻ ഒരു അനാലജി പറഞ്ഞു എന്നേയുള്ളൂ. രേണസംബന്ധമായ കായ്യങ്ങളിൽ ഇങ്ങനെ ഒരു പരീക്ഷായോഗ്യത വച്ചിരുന്നാൽ അതു് ഏതുപ്രകാരം ജനസമുദായത്തിനു ദോഷകരമായിതീരുമായിരുന്നുവൊ അതുപോലെ നിയമസംബന്ധമായ ജോലികളിലും യോഗ്യന്മാരെ തടുക്കുന്ന ഒരു നിയമം സ്വീകരിക്കുന്നതു ജനസമുദായത്തിനു ഇതിനെക്കാൾ ദോഷത്തെ ചെയ്യുന്നതാണെന്നാണ് എന്റെ താഴ്മയായ അഭിപ്രായം.

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യോഗ്യതയാണ് ഏറ്റവും പ്രധാനമായിട്ടുള്ള കാര്യം. യോഗ്യന്മാരായ അഭിഭാഷകർക്ക് അവരുടെ യോഗ്യതയ്ക്കനുസരിച്ചു മുന്നോട്ടു പോകുന്നതിനും അവർക്ക് ഏതെല്ലാം സ്ഥാനങ്ങളിലെത്താമോ അവിടെ മുഴുവൻ എത്തുന്നതിനും യാതൊരു തടസ്ഥവും ചെയ്യരുതെന്നാണ്. എന്റെ അഭിപ്രായം. (Mr. S. J. Nair. *Hear, Hear*) അതുകൊണ്ട് മുൻസിഫ്കോടതിയിലും ജില്ലാക്കോടതിയിലും വ്യവഹരിച്ചുവരുന്ന വക്കീലന്മാരെ ക്ലിപ്തകാലശേഷം ക്രമേണ ജില്ലാക്കോടതിയിലും ഹൈക്കോടതിയിലും വ്യവഹരിക്കുന്നതിനു സ്വാതന്ത്ര്യം നൽകേണ്ടതാണ്. മി. കുഞ്ഞുകൃഷ്ണപിള്ള ഇവിടെ പ്രതിപാദിച്ചതു കോടതിയിൽ ഇപ്പോഴുള്ളതന്നെ വക്കീലന്മാർ പെരുത്തുപോയി എന്നാണ്. ഹൈക്കോടതിയിൽ ബാരിസ്റ്റന്മാർക്കുമാത്രമേ പ്രാക്റ്റീസ് ചെയ്യാവൂ എന്നൊരു നിയമം ഉണ്ടാക്കിയാൽ ഇന്നു ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്ന ബി. എൽ. വക്കീലന്മാർക്ക് എത്രപ്രകാരം അതു സങ്കടകരമായിതീരുമെന്ന് അതുപോലെയുള്ള സങ്കടം താണകോടതിയിലെ വക്കീലന്മാർക്കും ഇപ്പോഴത്തെ നിയമംകൊണ്ടുണ്ട്. അതിനാൽ വക്കീലന്മാരുടെ സംഖ്യ ക്രമാതീതമായി എന്ന സംഗതി ഒരിക്കലും പ്രതികൂലമായി നിൽക്കുന്നതല്ല. അതുപോലെതന്നെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്ന വക്കീലന്മാർ അവരുടെ അന്തസ്സു വിട്ടു കീഴ്ക്കോടതിയിൽ വ്യവഹരിക്കാൻ പാടില്ല എന്നു വച്ചാലും അവരുടെയിടയിൻ എതിർപ്പുണ്ടാകും.

MR. A. EASWARA PILLAI: (*Kottarakara*) ബി. എൽ. പ്രാസായ വക്കീൽ കീഴ്ക്കോടതിയിലും വ്യവഹരിക്കുന്നതു് അന്തസ്സിനു കുറവാണെന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

MR. N. E. VARUGHESE (*Tiruvalla*): അതു അർത്ഥം ഉണ്ടെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. A. EASWARA PILLAI (*Kottarakara*): ബി. എൽ. പ്രാസായ വക്കീലന്മാർ കീഴ്ക്കോടതിയിൽ വ്യവഹരിക്കുന്നതു് അന്തസ്സിനു യോജിച്ചതല്ലെന്നു മെമ്പർ പറഞ്ഞ സ്ഥിതിക്ക്... ... ...

DEPUTY PRESIDENT: He did not say that. Mr. Easwara Pillai, That was not his view.

MR. N. E. VARUGHESE (*Tiruvalla*): അതുകൊണ്ടു ഈ ബില്ലിന്റെ തത്വം സ്പഷ്ടീകരിക്കണമെന്നുള്ള ഭാഗത്തോടു ഞാൻ അനുകൂലിക്കുന്നു. കുറ്റമറ്റതാക്കുന്നതിനാവശ്യമായ പല വകുപ്പുകളെയും ഭേദപ്പെടുത്താനുണ്ട്. സെ

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[Mr. N. E. Varughese.]

ലക്ഷ്കമ്മിറ്റി ഏർപ്പെടുത്തുമ്പോൾ അതിൽ വാദപ്രതിവാദംചെയ്യ ഈ തത്വത്തെ അനുകൂലിച്ചു പാസാക്കുമെന്നു വിശ്വസിക്കുന്നു നീതി നടക്കത്തക്കവണ്ണം വേണ്ടവിധത്തിൽ ഇതിനെ രൂപീകരിക്കുന്നതിനു സെലക്ട് കമ്മിറ്റിക്കധികാരമുണ്ടായിരിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

MR. P. K. NARAYANA PILLI (*Ambalapuzha I*): Sir, before we make up our minds whether we should support Mr. S J. Nair's Bill or reject it, it is better to consider the scope of the Bill in the light of the law as it stands at present. There is no law at present which prohibits a second grade pleader from arguing a case before a District Court. There is no prohibition as such. Only he cannot appear as a vakil before a District Court to argue a case there.

MR. K. R. ELENKATH (*Kallulam I*): May I know from the member whether any litigant is prohibited to appear?

MR. P. K NARAYANA PILLAI (*Ambalapuzha I*): I am coming to that. The provision in the Civil Procedure Code enables the recognized agent of any party to argue a case before a District Court for him. It is also provided that a vakil may appear and argue. Suppose, as matters stand at present, a Munsiff's Court vakil takes a power-of attorney from a party and appears for him in a number of cases before the District Court. The District Judge cannot say that he cannot argue his principal's case. Therefore any gentleman practising in the Munsiff's Court may obtain powers-of-attorney and appear in a superior court and argue any case. He cannot be prohibited as the law stands at present. The only difficulty in this respect would be that the Munsiff's Court pleader would be obliged to pay the necessary stamp duty upon the power-of-attorney which he can avoid by becoming a Vakil. Therefore to say that there is a prohibition for the second grade vakil to appear in the District Court is not quite correct.

DEPUTY PRESIDENT: The law does not prevent remuneration being given.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Remuneration is a matter of contract between parties.

DEPUTY PRESIDENT: There is one point. The law does not allow remuneration being given to holders of powers-of attorney.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The fee may be sufficient for the additional stamp duty.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): As matters stand at present, I am submitting, Sir, that nobody can prohibit a second grade pleader from arguing a case in the District Court. Mr. S J. Nair's complaint is the continuation of a long-standing agitation with which the Legislature is more or less familiar. Why not the Legislature be so good as to relax the necessity of paying so much stamp duty upon so many powers-of-attorney to enable second grade pleaders to argue

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cases before the District Courts? This is the point to be considered in this amendment. So long as there is no serious obstacle in the way and the obstacle, if any, can be circumvented why not in a straightforward fashion allow second grade pleaders, say, of some standing to enrol themselves as District Court pleaders and thus save the stamp duty, on powers-of-attorney? For practical purposes it comes to that. I am not saying that the House should support it. I am placing the matter before the House as it stands in the light of existing conditions.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Why not the High Court be asked to change the rules?

DEPUTY PRESIDENT: Mr. P. K. Narayana Pillai is not to answer that question as he has ceased to be a High Court Judge.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Can the power-of attorney be taken by a second grade vakil from a party who is residing within the jurisdiction of the court? Section 33 of the Civil Procedure Code does not make any difference.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I don't think so. See the present order III, rules 1 and 2 in the Civil Procedure Code.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it open to any man who is entitled to appear with a power-of-attorney to argue a case as a vakil in the High Court?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): As the law stands at present he cannot be excluded, not of course as a vakil.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the member is agreeable to change the law to this effect?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I do not say that. I am not supporting or opposing this Bill. I am only placing the matter as I said, for the consideration of this House, narrowing it to a practical standpoint.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I .....

DEPUTY PRESIDENT: There is no need for asking more questions on that point. Mr. P. K. Narayana Pillai answered the same question three times on the floor of this House.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): I would like to know from the Honourable member whether he is supporting or opposing Mr. S. J. Nair's Bill.

DEPUTY PRESIDENT: That is a very reasonable question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): At present I am trying to place the question on an analysis of the law as it stands in Travancore. Probably I may not support the Bill. An objection has been raised against the motion by Mr. Kottur Kunjukrishna Pillai on the basis of the opinion expressed by the learned Laws' Delays Commissioner. I have very great respect for Mr. G. Sankara Pillai, the Laws' Delays Commissioner. The difficulty that is pointed out by Mr. Sankara Pillai is not likely to be obviated by the means suggested

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[Mr. P. K. Naravana Pillai]

by him (*Hear, hear*). What he says is that there would be considerable over-crowding at the Bar if the claims and demands of the second grade pleaders are allowed. He, therefore, proposed their abolition gradually in future so that they might become quite extinct as the dodo. Well, as for the prevention of over-crowding at the Bar, how far the abolition of the second grade pleaders would be effective is a question which may be legitimately considered in the light of the circumstance (*Hear, hear*). The University of Madras is turning out a number of graduates-in-law to be enrolled as legal practitioners in the State. As years go by, these graduates-in-law would swell the over-crowding in the mofussil courts and the High Court. Even now, owing to the over-crowding in the District Courts some of the graduates-in-law have taken themselves to practise before the Munsiff's Courts. The danger is not so much of second grade pleaders propagating their species, as the graduates-in-law multiplying so much as to smother the second grade pleaders who are now exposed to a fate like that in escheat. Therefore the trouble that is to arise in the direction of over-crowding would be from the graduates-in-law themselves and, Mr. Sankara Pillai's methods as suggested in the report of the Law's Delays Committee, do not provide any effective remedy or solution to avert the calamity. That is not a valid argument to oppose the claims put forward by Mr. S. J. Nair, not to say anything about the need to take into account the solid and magnific ent services, as Mr. G. Sankara Pillai puts it, of the second grade pleaders in Munsiff's Courts.

There are however other considerations, like the general level of education, culture and status, in the light of which, Mr. S. J. Nair's Bill has no chance to fare well. They are not confined to the field of practising law, but permeate our social organization as a whole. It is in the light of such considerations, that the Barristers enjoy their rank. Adjudged purely on the basis of knowledge and experience of local laws some of the second grade pleaders may, as they are sometimes heard to say, be found to give points to inexperienced graduates-in-law or Barristers. That however is not the whole of it. Therefore, if the House is to view the Bill from a broader basis than the bare requirements of the practice of law, there is no reason why we should be enamoured of it.

With these observations I resume my seat.

MR. T. P. VEALAYUDHAN PILLAI (*Tiruvalla III*): സർ, മി. എസ്. ജെ. നായർ അവതരിപ്പിച്ചിട്ടുള്ള "വക്കീൽ റഗുലേഷൻ ഭേദഗതിബില്ലിൽ" അടങ്ങിയിട്ടുള്ള തത്വങ്ങളോടു ഞാൻ പരിപൂർണ്ണമായി യോജിക്കുന്നു. ജില്ലാക്കോടതികളിൽ വ്യവഹരിക്കുന്നതിന് അനുവദിക്കുന്നപക്ഷം കാര്യക്ഷമതയ്ക്കു ഹാനി സംഭവിക്കുമെന്നു മി. കോട്ടർ കുഞ്ഞുകൃഷ്ണപിള്ളയ്ക്കു യേമുള്ള സെക്കൻറ്ഗ്രേഡ് പ്ലീഡേഴ്സിൽ ഞാൻകൂടി ഉൾ

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ചെയ്യപ്പെട്ടിരിക്കുന്നതിനാൽ ഈ ഭേദഗതിബില്ലിലെ തത്വങ്ങളുടെ സാധുത്വത്തെപ്പറ്റി അഭിപ്രായം പ്രകടിപ്പിക്കേണ്ടതു ഒഴിച്ചുകൂടാത്ത ഒരു ധർമ്മമാണെന്നുകൂടി ഞാൻ വിശ്വസിക്കുന്നു.

സർ, ഏതെങ്കിലും ഒരു വ്യക്തി ജീവിതവൃത്തിയായി സ്വീകരിക്കുന്ന ഒരു തൊഴിലിൽ ക്രമപ്രവൃദ്ധമായ ഉൽക്കർഷം സമ്പാദിക്കുന്നതിനുള്ള അനുകൂല്യങ്ങൾ ഉണ്ടായിരിക്കേണ്ടതു രാജ്യക്ഷേമത്തിനും ആതൊഴിലിന്റെ മഹനീയതയ്ക്കും അത്യന്താപേക്ഷിതമായിട്ടുള്ളതാകുന്നു. ഈ വിഷയത്തിൽ പരീക്ഷായോഗ്യതയെപ്പോലെതന്നെ പരിചയത്തിനും പ്രാധാന്യം കല്പിക്കേണ്ടതും അതെന്നുമുള്ള തത്വം ഗവണ്മെന്റുതന്നെ ഇതരവകുപ്പുകളിൽ സ്വീകരിച്ചു പ്രായോഗികമാക്കിയിട്ടുള്ളതും ആകുന്നു. ഉദാഹരണമായി മെഡിക്കൽഡിപ്പാർട്ടുമെന്റു് എടുക്കുന്നപക്ഷം എൽ. എം. പി. പാസായി സബ്ബ് അസിസ്റ്റന്റു സർജൻ ആയി ജോലിയിൽ പ്രവേശിക്കുന്ന ഡാക്ടർമാരിൽനിന്നും സർവീസും സാമർത്ഥ്യവും അനുസരിച്ചു ഒരു ക്ലിപ്തശതമാനം അസിസ്റ്റന്റുസർജനായി കയറ്റം ചെയ്യപ്പെട്ടുവരുന്നുണ്ടു്. എന്നാൽ അടുത്തമായി എൽ. എം. പി. പരീക്ഷാവിജയികം അസിസ്റ്റന്റു സർജൻജോലിയിൽ പ്രവേശിക്കുന്നതിനു് അനുവദിക്കുന്നുമില്ല.

MR. POTTAYIL S. KRISHNA PANICKER (*Shertala II*) : എൽ. എം. പി. പാസായി അസിസ്റ്റന്റു സർജനാക്കിയിട്ടുള്ള ഒരാളിന്റെ പേരു പറയാമോ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : ഒഴിച്ചിടപ്പെട്ടിട്ടുള്ള ക്ലിപ്തശതമാനം ഒഴിവുണ്ടാകുന്ന അവസരങ്ങളിലെല്ലാം ഇങ്ങനെ നിയമനം നടക്കുന്നതുകൊണ്ടു പ്രത്യേകം പറയണമെന്നില്ല.

MR K. R. ELENKATH (*Kalkulam I*) . എൽ. എം. എസ്സാണൊ അതല്ല എൽ. എം. പി. ആണൊ? മെമ്പർ ഉദ്ദേശിക്കുന്നതു്

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : എൽ. എം. പി. ആണു്.

MR. A. THANU PILLAI (*Trivandrum-Rural*) എൽ. എം. പി, യെ ഡിപ്പൂട്ടി സർജൻ ആക്കുന്ന പതിവുണ്ടൊ?

MR: T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സബ്ബ് അസിസ്റ്റന്റു് സർജനെ അസിസ്റ്റന്റുസർജൻസ് ആക്കുന്നുണ്ടു്. അതിനു സെക്കന്റു് ഗ്രേഡ് പ്ലീഡേഴ്സിനും ഡി: കോടതികളിൽ വ്യവഹരിക്കുന്നതിനു സൌകര്യം കൊടുത്താൽ മതി.

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DEPUTY PRESIDENT : അവരുടെ ഗ്രേഡ് ഇല്ലാതാക്കണം എന്നേ പറയുന്നുള്ളൂ, അല്ലേ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ഈ ബില്ലിനെ സംബന്ധിച്ചുള്ള തത്വത്തിൽ അത്രമാത്രമേ ഞാൻ പറയുന്നുള്ളൂ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ഒരാളിനെ ആദ്യം അസിസ്റ്റൻറ് സർജനാക്കാതെ ഡെപ്യൂട്ടി സർജനാക്കുന്നതുകൊണ്ടുവിരോധമുണ്ടോ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ഉണ്ട്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : സർവീസുണ്ടായിക്കഴിഞ്ഞതിശേഷം അങ്ങിനെ നിയമിക്കണം എന്നുള്ള വ്യവസ്ഥ വേണമെന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): അതെ. ബി. എൽ. പരീക്ഷാവിജയികൾ ഹൈക്കോടതിയിൽ ആദ്യമായി പ്രവേശിക്കുന്നതിന് അനുവദിച്ചിട്ടില്ല. "ഹൈക്കോടതിഒട്ടസ്റ്റ്" പാസായതിന് മേലോ അല്ലെങ്കിൽ ഒരു ക്ലിപ്തകാലം ജില്ലാക്കോടതിയിൽ വ്യവഹരിച്ചതിനു മേലോ മാത്രമേ അവരെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിന് അനുവദിക്കുന്നുള്ളൂ. ഇതിൽ നിന്നെല്ലാം വ്യക്തമാകുന്നതു പരീക്ഷയെപ്പോലെ തന്നെ പരിചയത്തിനും സർവീസിനും പ്രാധാന്യം ഉരുണ്ടന്നാണ്.

എഫിഷ്യൻസിയെ സംബന്ധിച്ച് പറഞ്ഞിട്ടുള്ള വാദത്തിൽ മറെറാരു തത്വം കൂടി നമുക്കു സ്വീകരിക്കേണ്ടതായുണ്ട്. സെക്കൻറ് ഗ്രേഡ് പ്ലീഡേഴ്സിനെ ഡിസ്ട്രിക്ററ് കോർട്ടിൽ വ്യവഹരിക്കാമെന്ന നിയമമുണ്ടായാലും എല്ലാപേർക്കും ജില്ലാക്കോടതിയിൽ പോകണമെന്നുള്ള ആഗ്രഹം ഉണ്ടാകയില്ല. എഫിഷ്യൻസിയെ വർദ്ധിപ്പിക്കണമെന്നുള്ളതാണ് ഇതിനെ എതിർക്കുന്ന മാന്യമെമ്പറന്മാരുടെ അഭിപ്രായമെങ്കിൽ അതിലേക്കു അപക്ഷകന്മാരായിവരുന്ന സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിന്റെ എഫിഷ്യൻസിയെ തുലനം ചെയ്തുനോക്കുന്നതിനു ഗവണ്മെൻറിനു അവശ്യമെന്നു തോന്നുന്ന ഒരു പരീക്ഷ ഏർപ്പെടുത്തി അപേക്ഷകന്മാരുടെ സാമർത്ഥ്യവും നിയമപരിജ്ഞാനവും മറെറയോഗ്യതകളും പരിഗണിച്ചു പരീക്ഷയിൽ പാസാവുന്നവക്കെങ്കിലും അവരുടെ ജീവിതോൽക്കർഷത്തിനു സൌകര്യപ്പെടത്തക്കവിധത്തിൽ ഇതിനെ ഭേദപ്പെടുത്തേണ്ടതു അത്യാവശ്യമാണ്.

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MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): വില്ലേജ് പഞ്ചായത്തു കോടതിതളിൽ നിയമപരിജ്ഞാനംഇല്ലാത്ത ആളുകളെ കേസുകൾ വിസ്തരിച്ചു തീരുമാനം ചെയ്യുന്നതിനു ജഡ്ജിമാരായിനിയമിച്ചിട്ടുണ്ട്. അവർ മുൻപറഞ്ഞ നിയമപരീക്ഷപാസാകാൽ സിവിൽ കോർട്ടിൽ വ്യവഹരിക്കുന്നതിനു അവക്ക് സന്നദ്ധകൊടുക്കുന്നതു മെമ്പർക്ക് സമ്മതമാണോ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ആ ചോദ്യം ഈ വിഷയത്തെ സംബന്ധിച്ചു അസംബന്ധമാണന്ന് എനിക്കുതോന്നുന്നതുകൊണ്ട് അതിനു ഞാൻ 'yield'ചെയ്യുന്നില്ല.

MR. K. R. ELEVKATH (*Kalkulam I*): നിയമപരീക്ഷപാസാകാത്ത ഏതെങ്കിലും വക്കീൽ പ്രാക്ടീസ് ചെയ്യുന്നതായി അറിയാമോ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സിവിൽ കോടതികളിൽ പ്രാക്ടീസ് ചെയ്യുന്നതായിഅറിഞ്ഞുകൂടാ.

ഒരു പരീക്ഷഏർപ്പെടുത്തി അതിൽ വിജയികളാകുന്നസമർത്ഥന്മാരായ സെക്കൻഗ്രേഡ് പ്ലീഡർഷിപ്പിനെ ജില്ലാക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു അനുവദിക്കുന്ന പക്ഷം ഇവിടെ പലരും പ്രതിപാദിച്ചിട്ടുള്ളതുപോലെയുള്ള സംശയത്തിനു വഴിയുണ്ടാകുന്നതല്ല. പിന്നീടുപറയുന്ന വാദംബാറിൽ വക്കീലന്മാർ വർദ്ധിച്ചുപോകുമെന്നുള്ളതാണ്.

MR POTTAYIL S KRISHNA PANICKAR (*Shertala II*): സെക്കൻഗ്രേഡ് പ്ലീഡർഷിപ്പിനു ഡിസ്ട്രിക്ട് കോർട്ടിൽ വ്യവഹരിക്കാൻ അധികാരം കൊടുത്താൽ മതിയെന്നും വേറെ ഒരുസ്ഥലത്തും വ്യവഹരിക്കാൻ അനുവാദം കൊടുക്കേണ്ടതില്ല എന്നുമാണോ മെമ്പരുടെ അഭിപ്രായം?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): എനിക്കു പറയാനുള്ളതു പഠഞ്ഞു തീർന്നതിനു ശേഷം ചോദ്യങ്ങൾക്കെല്ലാം ഉത്തരം പറയാം.

DEPUTY PRESIDENT: You have put a question. If the member chooses he may answer. I allow the question and leave it to the member to answer.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): I rise to a point of order, Sir. When a member is allowed to put a question, I want a ruling, whether it is incumbent upon the member to answer it if he is able to answer.

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DEPUTY PRESIDENT : One may lead a horse to the water but twenty cannot make him drink. The Chair has got the authority to permit or prohibit questions. But the Chair has no authority to compel any member to answer the question. That is a matter of choice with the member. But, as a working rule, members while in possession of the House when questions are addressed, will generally answer; but no compulsion is possible.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I submit a point of order, Sir. May I draw the attention of the Chair to a ruling given in the previous session that, if a member is able to answer a question, he is bound to answer it ?

DEPUTY PRESIDENT : Mr. Velayudhan Pillai does not say that he is not able to answer but that he does not propose to answer. When the point need arise the previous ruling may be considered.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : പ്ലീഡർഷിപ്പു പരീക്ഷഇപ്പോൾ നിറുത്തൽ ചെയ്തിരിക്കുന്ന സ്ഥിതിക്കു ഈ നിയമം നടപ്പാക്കുന്നപക്ഷം വക്കീലന്മാർ ബാറിൽ വർദ്ധിക്കുമെന്നു ഉദ്ദേശിക്കുവാൻ യാതൊരുന്യായവുംകാണുന്നില്ല. വക്കീലന്മാർവർദ്ധിക്കാൻപാടില്ലാ എന്നുള്ളതാണ് ശരിയായനയ മെങ്കിൽ ബി. എൽ. പരീക്ഷതന്നെയും കുറച്ചു കാലത്തേക്കു നിറുത്തിവയ്ക്കുന്നതിനുള്ള മാർഗ്ഗമാണ് അന്വേഷിക്കേണ്ടതായി വരുന്നതാണ്. പ്ലീഡർഷിപ്പു പരീക്ഷഇപ്പോൾ നിറുത്തൽ ചെയ്തിരിക്കുന്നതിനാൽ സെക്കൻറ് ഗ്രേഡ് പ്ലീഡേർസിനെ സംബന്ധിച്ചിടത്തോളം ബാറിലെനമ്പർ വർദ്ധിക്കുന്നതിനു ഇനി യാതൊരു കാരണവും ഇല്ലല്ലോ. മുൻസിഫ കോടതികളിൽരണ്ടായിരം രൂപാവരെ സമയമുള്ള കേസുകൾ നടത്തുന്നതിനു മുൻസീഫ് കോർട്ടു വക്കീലന്മാരെ ഇപ്പോഴുതന്നെ നിയമപ്രകാരം അനുവദിച്ചിട്ടുണ്ടു. കൂടുതൽ സമയമുള്ള കേസുകളുടെ വാദമുഖങ്ങൾ വസ്തുക്കളുടെ വിലയെ ആശ്രയിച്ചല്ല സ്ഥിതി ചെയ്യുന്നതു്. അതായതു ഒരു കേസിൽ അടങ്ങിയിരിക്കുന്ന വാദമുഖങ്ങളുടെ പ്രാബല്യം ആകേസിനു കാരണമായവസ്തുവിന്റെ വിലകൂടുതലിനേയോ കുറവിനേയൊ ആശ്രയിച്ചല്ല ഇരിക്കുന്നതു്. മുൻസിഫ് കോർട്ടിൽ രണ്ടായിരം രൂപാവരെ സമയമുള്ള കേസുകൾ മാത്രമേ വിസ്തരിക്കാൻ പാടുള്ളൂഎന്നു വച്ചിരിക്കുന്നു. കേസിനു കാരണമായ വസ്തുവിന്റെ വിലകൂടുതൽ കൊണ്ടുമാത്രം ഡിസ്ട്രിക്ട് കോർട്ടിൽ സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിനെവിസ്തരിക്കാൻ പാടില്ലഎന്നുള്ളവാദം ഒരിക്കലും ന്യായമായിട്ടുള്ളതല്ല. രണ്ടുകോടതികളിലും അഭിമുഖീകരിക്കേണ്ടിവരുന്ന വാദമുഖങ്ങൾ അല്ലെങ്കിൽ നിയമതത്വങ്ങൾഒന്നുതന്നെ ആയിരിക്കും, അല്ലാതെ അതു് വസ്തുവിന്റെ വില കൂടുതലിനെ മാത്രം ആശ്രയിച്ചിരിക്കുകയില്ല.

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പിന്നീട അപ്പീൽകേസുകളെപ്പറ്റിയാണ് നോക്കേണ്ടത്. ഡിസ്ട്രിക്റ്റ് കോർട്ടിൽ പോകുന്ന അപ്പീൽകേസുകളെ മുൻസിഫ് കോർട്ടിൽ നടത്തുന്നതു് സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സാണ്. അതുകൊണ്ടു് ഏഫിഷ്യൻസി കുറഞ്ഞുപോകുമെന്നു വിചാരിക്കാൻ ന്യായമില്ല. രണ്ടായിരം രൂപാവരെ സല്വയുള്ള കേസുകളെ വിസ്തരിച്ചു തീർച്ച കല്പിക്കുന്നതു് ഒരു മുൻസിഫാണ്. ഏതാനുംകൊല്ലം മുൻസീഫായിരുന്നതിനു ശേഷമാണ് അദ്ദേഹത്തെ ഡിസ്ട്രിക്റ്റ് ജഡ്ജിയായി നിയമിക്കുന്നതു്. പരീക്ഷയെമാത്രമാണ് പ്രധാനമായി പരിഗണിക്കുന്നതു് എങ്കിൽ ബി. എൽ പാസ്സായിക്കഴിഞ്ഞുടനെ ഡിസ്ട്രിക്റ്റ് ജഡ്ജിയായി നിയമിക്കാമായിരുന്നു. അങ്ങനെ ചെയ്യുന്നില്ല. ഈ നിലയിൽ നോക്കിയാൽ അനേകം കൊല്ലം മുൻസിഫ് കോടതിയിൽ പ്രാക്റ്റീസ്സ് ചെയ്തിട്ടുള്ള വക്കീലന്മാർക്കു ഡിസ്ട്രിക്റ്റ് കോർട്ടിൽ വ്യവഹരിക്കുന്നതിനു എന്തുകൊണ്ടു അനുവാദം കൊടുത്തുകൂടാ? പ്രാക്റ്റീസ്സിനാണ് ഇവിടെ പ്രാധാന്യം കല്പിച്ചിരിക്കുന്നതു്. അതിനാൽ പ്രാക്റ്റീസ്സുണ്ടെന്നു അധികാരികൾക്കു പരീക്ഷാദ്വാരേണ ബോദ്ധ്യമാക്കുന്ന സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിനു ഡിസ്ട്രിക്റ്റ് കോർട്ടിലും കേസ്സുകൾ വിസ്തരിക്കുന്നതിനു അനുവാദം കൊടുക്കുന്നതുകൊണ്ടു് യാതൊരു തരക്കേടും ഉണ്ടാകുന്നതല്ല.

വക്കീലന്മാരുടെ കാര്യംമാത്രമല്ല ഇവിടെ നോക്കേണ്ടതു്. കക്ഷികളുടെ സംഗതിയുംകൂടി ഇവിടെ പരിഗണിക്കേണ്ടതാണ്. ഡിസ്ട്രിക്റ്റ് കോർട്ടിൽ വരുന്ന അപ്പീൽ കേസ്സുകളെ മുൻസിഫ് കോടതിയിൽ വ്യവഹരിച്ചു വക്കീൽതന്നെ നടത്തുന്നതായാൽ അതുനിമിത്തം കക്ഷികൾക്കു പലതരത്തിലുമുള്ള ഗുണം സിദ്ധിക്കുന്നതാണ്. മുൻസിഫ് കോർട്ടിൽ കേസ്സുനടത്തിയതുകൊണ്ടു് കേസ്സിനെ സംബന്ധിച്ചു പരിപൂർണ്ണമായ ജ്ഞാനം അവർക്കു കിട്ടുന്നു. ആ ആറുതന്നെ സിസ്ട്രിക്റ്റ് കോർട്ടിലും കേസ്സു നടത്തുന്നതായാൽ ധനസംബന്ധമായും കൂടുതൽലാഭം കക്ഷികൾക്കു ലഭിക്കുന്നതാണ്.

മാന്യമെമ്പർ മി. പി. കെ. നാരായണപിള്ളയുടെ അഭിപ്രായം ഒരു മുക്ത്യാർ വാങ്ങിക്കൊണ്ടു് സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിനു ഡിസ്ട്രിക്റ്റ് കോർട്ടിൽ വ്യവഹരിക്കുന്നതിനു ഇപ്പോഴും പ്രതിബന്ധമില്ലെന്നാണ്. അങ്ങനെ നിയമപ്രകാരം അല്ലാതെയുള്ള ആ അവകാശം ഇപ്പോൾ നടപടിക്രമപ്രകാരം സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിനെ സംബന്ധിച്ചടത്തോളം അംഗീകരിച്ചുകഴിഞ്ഞിരിക്കുന്നു. ഈവിധത്തിൽ അംഗീകരിച്ചു് നടന്നവരുന്നസ്ഥിതിക്കു അതിനനുകൂലമായി എന്തുകൊണ്ടു് അവരെ നിയമപ്രകാരം അധികാരപ്പെടുത്തിക്കൂടാ എന്നാണ് ഞാ

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ൻ പോഴിക്കുന്നതു്. അതിനാൽ സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിനു് ഡിസ്ട്രിക്റ്റ് കോടതിൽ സന്നതെടുക്കുന്നതിനു നിയമപ്രകാരം അധികാരം കൊടുക്കേണ്ടതത്യാവശ്യമാണു്.

സെക്കൻഗ്രേഡ് പ്ലീഡർഷിപ്പ് പരീക്ഷ ജയിച്ചിട്ടുള്ള പല മഹന്മാരും ജഡ്ജിമാരായി നിയമിച്ചിട്ടുണ്ടെന്നുള്ള സംഗതി എല്ലാപേക്കും അറിയാവുന്നതാണു്. ബി. എൽ പരീക്ഷ പാസായിട്ടുള്ള എത്രയോ അളുകരം ഈ സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിന്റെ കീഴിൽ അപ്രൻറിസ്സ് നടത്തിവരുന്നുണ്ടു്. ഈ കാരണങ്ങളാൽ പരീക്ഷയെ മാത്രം പ്രത്യേകമായി ഗൌനിക്കാതെ സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിനു ഒരു ഉൽക്കർഷം ഉണ്ടാകുന്നതിനു തക്കവിധത്തിലുള്ള ഒരു നിയമം ഉണ്ടാക്കുന്നതിനു നാം ശ്രമിക്കേണ്ടതു് ഏറ്റവും അത്യാവശ്യമായിട്ടുള്ളതാണു്. തൻനിമിത്തം എഫിഷ്യൽസിക്കു ഒരു കുറവും ഉണ്ടാകുകയില്ല. കൂട്ടുന്നതിനേ സൌകര്യം കാണുന്നുള്ളു.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Sir, I rise to oppose the motion. The rhetorical exuberance and the petitionary vehamence with which the Statement of Objects and Reasons is couched, clearly indicate that the main purpose of the Bill is to confer on the first and second grade pleaders of some years standing in the Bar, the privilege of practising in the High Court and District Courts respectively. I may confess at the outset that there are really very able, efficient and brilliant lawyers among the pleaders to whom even the most complicated cases may be entrusted with confidence and safety. But, sir, these are but excentions and to frame a geneneral rule from these exceptions is inadvisable if not dangerous. These brilliant and distinguished few among the pleaders do get sufficient encouragement from the litigant public, enough opportunities they have to exhibit their talents, their merits are readily recognized and they are amply rewarded for their work, so much so, that it is quite unlikely and improbable that they may give up their extensive practice in the lower courts to which they confine their attention at present, and jump up to the superior courts simply because they get an opportunity to do so.

Sir, the efficiency of a lawyer does not depend upon the number of years he had been a member of the Bar. The Bill proposes to confer eligibility to practise in the higher courts simply by taking into consideration the number of years a particular pleader has been in the legal profession. In the legal profession, the mere fact that 5 or 7 years have elapsed since a pleader has taken a sannad, cannot make him a competent lawyer. I do not say that this is the case with the first and second grade pleaders alone. Far from it. The cap fits the graduate-law as well, but undoubtedly they own better legal equipment, general knowledge, and culture than the pleaders

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and no wonder they are considered to be more competent and efficient than the pleaders to practise in the higher courts of the land. Even from the start when the superior courts in the land are already over-crowded with men of better legal equipment and ability, is there any necessity after all to add to this set of lawyers by men with undecidedly inferior qualification and training. As far as I am able to derstand no necessity has been made out either by the mover or bythose who supported him.

Then, Sir, a word about the encouragement, promotion, opportunity for exhibiting talents and the rest of it that the mover makes much of in the Statement of Objects and reasons. The mere privilege or eligibility conferred on a pleader to practise in a higher court than the one which is permitted now, can never be construed as a promotion or encouragement to him in the real sense of the term. Encouragement and promotion to a lawyer rest entirely in the hands of the litigant public. These come to him unasked as a result of the confidence and trust that the litigant public have in his proficiency and ability in the profession. I submit therefore, Sir, that if this piece of legislative activity of my learned friend the mover, is countenanced and allowed to become law, we would be, thereby, holding out a premium for inefficiency in-as-much as those that would readily take advantage of this measure, would mostly be those of the common run of pleaders who have fortunately or unfortunately joined the legal profession and have succeeded in putting in a few years service in the Bar; and certainly not those luminaries in the subordinate courts who have, as already mentioned, sufficient opportunities to exhibit their talents and get ample reward for their merit. With these few words I oppose the motion for the introduction of the Bill.

DEPUTY PRESIDENT: I am sorry to observe that in spite of the fact I said, order, order, more than once, that direction is not being followed by certain members. I do not mean to express anything more thinking that Honourable members will understand this direction.

MR. A. EASWARA PILLAI (*Kulkulam II*): Sir, I strongly support the Vakils' Regulation Amendment Bill now before the House. Sir, this question was engaging the attention of the lawyers of Travancore for the last 25 years and I know many eminent lawyers, both B. Ls. and pleaders, sympathise with the view expressed in the Amendment Bill now before this House. Sir, the opposers of the Bill were pointing out that they could not support this Bill for two reasons. If I understand them correctly, one of the reasons advanced by them is that if we allow second grade pleaders to practise in the District and High Courts of Travancore there will be much more over-crowding. Sir, as has been pointed out by the supporters of this Bill allowing the second grade pleaders to practise in the District and High Court or disallowing them as contemplated by the opposer will not in the least affect the matter. The other objection raised by the opposer is that, for the sake of efficiency such permission should not be granted and when he was asked by one member what he meant by efficiency, I am sorry the

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member could not define it properly so that we are unable to understand what he means by efficiency. Sir, under these circumstances and for the reasons stated in the Statement of Objects and Reasons by the mover of this Amendment Bill I very heartily support the Amendment Bill before the House.

MR. K. A. NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): I rise to support the amendment Bill brought forward by Mr. S. J. Nair and in supporting the Bill I have to submit that what was contained in the Laws Delays Commissioner's Report regarding the overcrowding of the Bar, says nothing regarding the promotion of second grade pleaders to the District Courts, and I do not see where he has prohibited the issue of such sanuads. Regarding the over-crowding and the prevention of the same, as the Honourable member Mr. P. K, Narayana Pillai suggested, I have to submit that this over-crowding cannot be stopped unless and until some of the Law Colleges are stopped as the University is producing a number of Law Graduates every year and I am rather reluctant to say that second grade pleaders are being displaced by graduates-in-law in mofussil courts and I think within a few years the mofussil courts will be over-crowded. Now with regard to the general culture and level of learning which Mr. P. K. Narayana Pillai, referred to I have to say one word *i. e.* learning and culture are not the monoply of University degree-holders and that they depend upon many other attendant circumstances. Sir I may inform the house that the late Pandit Motilal Nehru was only an undergraduate. He had passed only the High Court test in law.

MR. S. J. NAIR (*Nedumangad*): May I know whether the member is aware that the late Mr. Muthuswamy Aiyar was a second grade pleader?

DEPUTY PRESIDENT: The discussion need not take that course. With regard to the eminence of people like Messrs. Motilal and Muthuswamy Aiyar etc. no question arises. So far as I am able to follow the speeches of the members who oppose, they say that at present the people with higher degrees alone should be allowed.

No question arises at all with regard to eminent men like Sir T. Muthuswami Aiyar or Pandit Motila Nehru. They are people of the past. The present question is whether, now, people who have not got degreess should be admitted to the High Court Bar.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): I am sorry, Sir, I was only citing an example as to what eminence one without a University degree could rise in the legal profession and in other attainments. I am not in possession of figures regarding the numbers of graduates-in-law and first and second grade pleaders practising in the subordinate courts, so that any comparison of their merits could be drawn now. So far as I know, Pandit Motilal Nehru was only an undergraduate. We all know the level of culture and education that he attained.

With these words, I support the principle of the Bill.

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MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I may be pardoned when I say that in respect of this debate I was sorry to notice genuine, justifiable assertiveness on one side and an unjustifiable inexplicable, restraint on the other. My friends who opposed the Bill, for some reason or other, did not think it fit to press the points that ought to be pressed.

DEPUTY PRESIDENT: I do not think you are in order when you say that. Probably, the points that commend themselves to you did not commend themselves to them. You seem to suggest that they deliberately withheld them.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I am only expressing my opinion. That is why I submitted, Sir, that I might be pardoned for saying that.

Sir, we heard a good deal about some very eminent men who were not graduates or graduates-in-law, who never attended any college or Universtiy. We all know, Sir, that Shakespeare never attended any college or University. Valmiki was not a *sanaskrita vidwan*. Such instances are beside the point. There are some very eminent lawyers who are only second grade pleaders. They know their business quite well. I fully concede that. Even in the local courts there are some first grade pleaders who may successfully discharge the duties of the profession even if they are allowed to practise before the High Court. But, what is the question that is now before the House? Sir, we have accepted certain general principles and standards for the conduct of affairs, not only in courts, but in all our activities. There may be a clerk in the Division Cutcherry who is a more intelligent, a better-informed and an abler man than his superior the Peishkar, but without the qualifications prescribed for admission to the higher ranks of the service.

MR. K. A. NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): But, at some time or other, in the course of his career, cannot such capable clerk become a Peishkar or Assistant Peishkar?

MR. A. THANU PILLAI (*Trivandrum-Rural*): If the principle of the present Bill is accepted, certainly that clerk must be made Peishkar whether he has the qualification or not. Certain established standards have been accepted in such matters.

Unless there is sufficient justification, unless there is clear necessity, the accepted and established order of things should not be changed. In the present case, Sir, let us examine the question calmly and see if there is any such necessity or justification to make the change suggested in the Bill.

Sir, generally speaking, a man who has undergone a University course, who has come out successful in a University examination, should be considered better equipped than one who has not had such training, who has not passed such examination. There is absolutely no meaning in denying that Sir, one need not apologise for boldly asserting that position. We are now concerned with pleaders in the

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[Mr. A. Thanu Pillai.]

subordinate courts, in general. We are not here to discuss the merits of particular individuals. We should not be obsessed by the fact that here and there we find exceptional cases of a Munsiff's Court vakil or a District Court vakil who is apparently a success in the profession, who may be successful even in the High Court Bar. We are not now concerned with such exceptional cases; we are now concerned with the generality of cases.

It was argued, Sir, that there are B. Ls. and L. L. Bs., undergoing training even under second grade pleaders. Now, the most eminent of Professors have once studied under primary class teachers. I do not see much force in that kind of argument. No doubt, to understand the preliminaries of the work, graduates-in-law may undergo training under pleaders.

MR. K. R. ELENKATH (*Kalkulam I*): Why should they go to pleaders for such training when there are eminent B. Ls.?

MR. A. THANU PILLAI (*Trivandrum-Rural*): To pick up a knowledge of the procedure in court, to study the peliminaries, some B. Ls., may undergo some training under pleaders. But, what about the generality of cases? Let us be frank, Sir. I am not at all here to disparage the ability or character or capacity of any of the successful pleaders in the subordinate courts.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Are we not concerned with laying down only general rules?

MR. A. THANU PILLAI (*Trivandrum—Rural*): That is just what I say? That is why I remarked at the outset that there was an unnecessary reserve on the part of those who opposed the Bill. I know I am not going to offened any of my pleader friends here or outside when I say, frankly, that we are here dealing with general rules in respect of a profession. We are not thereby going to disparage the few individual briliant men among the pleaders.

DEPUTY PRESIDENT: I suppose you are not suggesting that the others, in whom you said you found some reserve, were not quite straight in their statements?

MR. A. THANU PILLAI (*Trivandrum-Rural*): I do not say that at all; but, no doubt, I found some unnecessary reserve on their part.

MR. S. J. NAIR (*Nedumangad*): MayI ask whether, in the general interest of the profession, the pleaders should not be given encouragement and promotion?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Certainly; and each pleader will and does get the encouragement that he deserves.

MR. S. J. NAIR (*Nedumangad*): Then, is it not necessary that, after some time, Munsiff Court vakils are promoted as District Court vakils and District Court vakils are promoted as High Court vakils?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Not under existing conditions.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What is the promotion for the High Court vakil's?

MR A THANU PILLAI (*Trivandrum—Rural*): They may be elevated to the Bench. (Mr S. J Nair. *Hear, hear.*)

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Is that a promotion?

MR. A. THANU PILLAI (*Trivandrum-Rural*): It is generally considered so.

DEPUTY PRESIDENT: I wish to make one suggestion Second grade pleaders had been appointed by the Legislative Council to serve on Select Committees on important Bills. I just want to put a question whether they had been able to do their duty equally as well as others (Mr. S. J. Nair. *Hear, hear.*)

MR. A. THANU PILLAI (*Trivandrum—Rural*): As for that, we put on the Select Committees, gentlemen and ladies who have absolutely nothing to do with law. I take it, Sir, that even lawyers are on Select Committees, not as lawyers, but as members of this House.

DEPUTY PRESIDENT: What I want to know is whether, according to the member's experience, second grade pleaders appointed as members of Select Committee, on Bills, were able to do their work satisfactorily.

MR. A THANU PILLAI (*Trivandrum—Rural*): I do not for a moment question their ability or equipment for their work.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I rise to a point of order, whether it is proper that a member should express an opinion on the work done by another member of a Select Committe simply because he is a Munsiff's Court vakil.

DEPUTY PRESIDENT: I really fail to appreciate the standpoint assumed by Mr Asan. Mr. Asan has had sufficient experience of deliberative assemblies to enable him to understand that when the Chair puts a question to a member who is in possession of the House, no question arises on the point which he has now mentioned Courtesy to the Chair (*Hear, hear.*) and respect for the diginity of the House require that Mr Asan will not pursue in such direction.

MR. A S. DAMODARAN ASAN (*Mavelikara*): On a point of personal explanation, Sir.

DEPUTY PRESIDENT: I have already given my ruling.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Not on that (*Order, order.*) May I just offer a personal explanation?

DEPUTY PRESIDENT: If Mr. Asan thinks he should make a personal explanation now the Chair will allow him.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): As far as my experience goes, as far as I have gone through the proceedings of other Legislative Assemblies, I have not been able to come across questions put from the Chair to the speakers.

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DEPUTY PRESIDENT: I want Mr. Asan to tender an unconditional apology for this, for having said that he has not seen anywere in the world questions being put from the Chair. I want Mr. Asan, immediately to tender an unconditional apology to the House. Is he prepared to do it?

MR A. S. DAMODARAN ASAN (*Mavelikara*): I am going to make this statement, in explanation, before that. I have stated a true thing. (*Order, order.*)

DEPUTY PRESIDENT: I am making this definite and clear that, for Mr. Asan to exercise any of the privileges of the members of this House, he must tender an unconditional apology to the Chair and to the House. Is he prepared? (Mr. P. K. Narayana Pillai. *Obey the Chair.*) Are you prepared? I am doing this in the exercise of my duties under law, with all good spirit. Mr. Asan may be assured of that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I have made that statement with the.....

DEPUTY PRESIDENT: Will you please apologise?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I withdraw.

DEPUTY PRESIDENT: I am very glad that a more difficult situation has been avoided.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): After withdrawing, may I submit this fact? I am asking the permission of the Chair; that is all.

DEPUTY PRESIDENT: For what?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): All that I have stated was only that I have not come across.....

DEPUTY PRESIDENT: Let us have a little give and take. Each man puts his view according to his best lights. But disciplinary rules have to be respected. I am very glad Mr Asan has apologised.

With regard to the offer of personal explanations the matter having been settled one way, let us not reopen that question.

Mr. Thanu Pillai may proceed.

I want to make one more very brief statement. Although the episode is past, I may say that the Chair was putting questions occasionally in order to regulate discussion by keeping the issues clear and endeavouring to supply to the House information on which the House may proceed. I can assure the House that it is done in the best interests of discussion (*Hear, hear.*) Nor does the Chair, the person who occupies the Chair, lose his rights as a member of the House. But, as far as possible, I have been using the authority only when I have felt that, if I did not exercise that right, the discussion would not be satisfactory.

The House adjourned at 5-1 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

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